

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

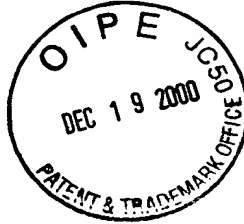
In re Application of:

Mitchell et al.

Application No. 09/424,519

Filed: March 3, 2000

For: THE USE OF A NITROXIDE OR
A PRODRUG THEREOF IN THE
PROPHYLACTIC AND THERAPEUTIC
TREATMENT OF CANCER



Group Art Unit: 1614

Examiner: B. Kwon

#6
JRP
1/13/01
RECEIVED

DEC 26 2000

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated November 15, 2000, please consider the following remarks.

REMARKS

The Requirement for Election of Species

The Office has set forth a restriction requirement seeking a species election from Applicants. In particular, the Office indicates that claim 3 is "generic to a plurality of disclosed species comprising formula I or II" and that the species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept because they lack the same or corresponding special technical features (see Office Action, page 2, paragraph 1; PCT Rules 13.1 and 13.2). According to the Office, the variables in the claims are numerous and their meanings are widely divergent such that a precise listing of inventive groups cannot be made. The Office further contends that the claimed subject matter is so vast and complicated that it would be burdensome to examine all species. This requirement for election of species is traversed.